

City of Mississauga

Memorandum:

City Department and Agency Comments

Date Finalized: 2021-01-13	File(s): A9.21 Ward: 9
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2021-01-21

Consolidated Recommendation

The City recommends that the application be refused. The Applicant may wish to defer the application to ensure that all required variances have been accurately identified.

Application Details

The applicants request the Committee to approve a minor variance to allow a side yard setback to a driveway of 0.00m whereas By-law 0225-2007, as amended, requires a minimum side yard setback to a driveway of 0.61m (approx. 2.00ft) in this instance.

Amendments

While Planning Staff are not in a position to provide an interpretation of the Zoning By-law; Staff would note the following variance should be added to the application:

- A driveway width of 5.8m whereas By-law 0225-2007, as amended, requires a maximum of 5.2m.

Background

Property Address: 3038 Cantelon Crescent

Mississauga Official Plan

Character Area: Meadowvale Neighbourhood
Designation: Residential Low Density II

Zoning By-law 0225-2007

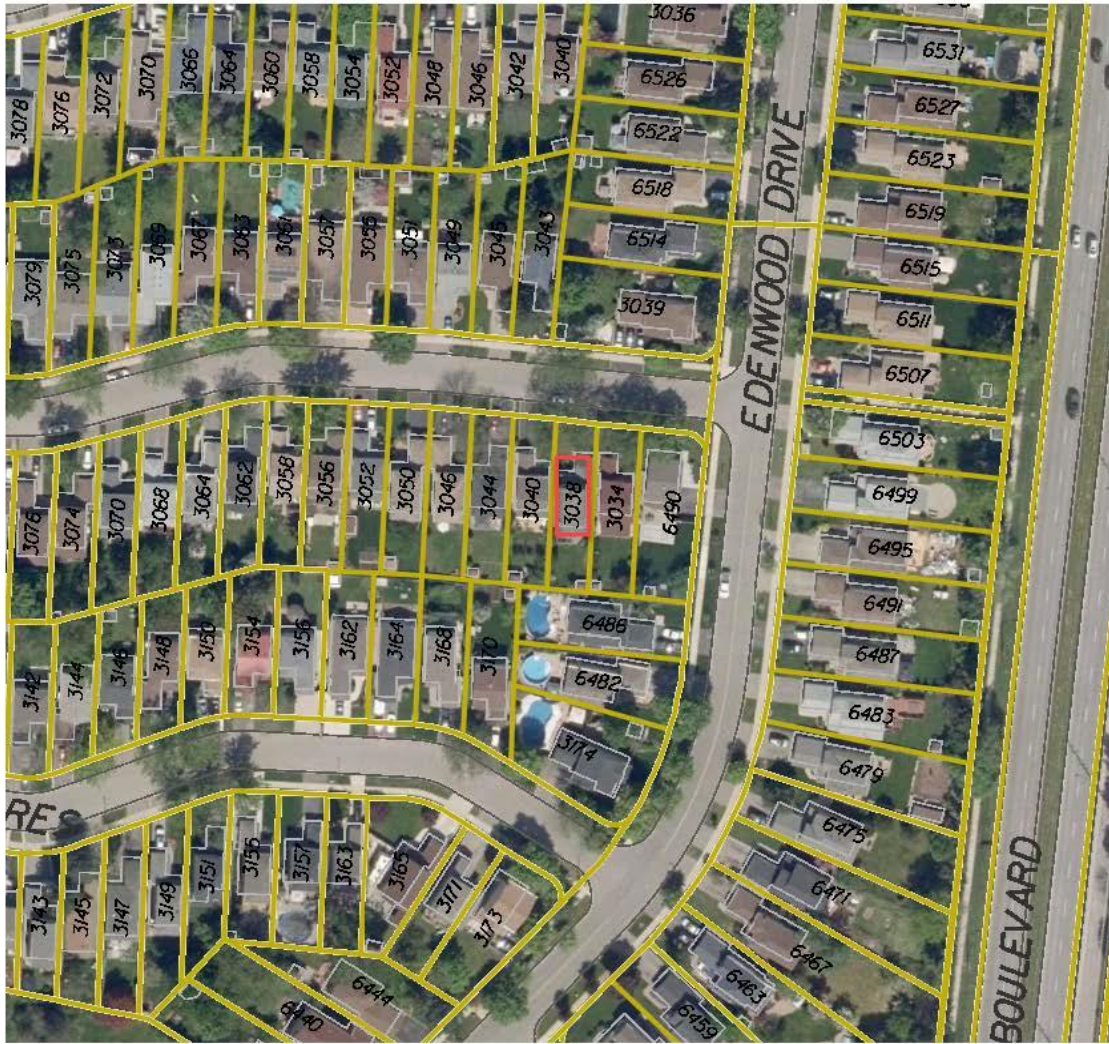
Zoning: RM1-5 - Residential

Other Applications: None

Site and Area Context

The subject property is situated south-west of the Winston Churchill Blvd. and Trelawny Cir. intersection, and currently houses a two-storey, detached dwelling with an attached single-car garage and minimal landscaping elements in the front and rear yard. Contextually, the area is comprised exclusively of detached two-storey residential dwellings. The properties within the immediate area possess lot frontages of approximately +/-10.0m, with moderate vegetative / natural landscaped elements within the front yards.

The subject property is an interior parcel, with a lot area of 352.99m² and a lot frontage of approximately +/- 9.7m. The applicant is proposing a smaller side yard to accommodate a wider driveway, requiring a variance related to side yard setback.



Comments

Planning

Section 45 of the *Planning Act* provides the Committee of Adjustment with the authority to grant relief from the requirements of a municipal zoning by-law. Approval of applications must meet the requirements set out under 45(1) and/or 45(2) (a) or (b) in the *Planning Act*.

Staff comments concerning the application of the four tests to this minor variance request are as follows:

Does the proposal maintain the general intent and purpose of the Official Plan?

The site is situated within the Meadowvale Neighbourhood Character Area, and designated Residential Low Density II by the Mississauga Official Plan (MOP). As per Section 9.1 (Introduction), driveway widths and associated setbacks should respect the identity and character of the surrounding area. The planned context of this neighbourhood is that of detached dwellings serviced by appropriately sized driveways and setbacks, with the remainder of the property's frontage serving to form a soft-landscaped area. From a streetscape perspective, the proposed driveway, and its associate hard-surfaced area, represents a significant portion of the property's front yard. This is visibly different from the unaltered lots within this neighbourhood, which can be used to define the area's planned context. The proposal does not meet the purpose or general intent of the Official Plan.

Does the proposal maintain the general intent and purpose of the Zoning By-law?

As per Zoning By-law 0225-2007, the subject property is zoned R4 (Residential). Pursuant to Table 4.1.9(4) (Driveways and Parking), the minimum required setback for a driveway to any lot line is 0.6m; whereas, the applicant is proposing 0.0m. The intent of this portion of the By-law is to ensure that an adequate buffer exists between two neighbouring properties, and it is large enough to mitigate any potential drainage concerns. Planning Staff does not typically support anything less than 0.3m to accommodate a swale for potential drainage. The proposed setback of 0.0m does not provide a visual distinction between the two properties nor does it provide adequate space to address potential drainage issues. Staff would note that the variance, as requested, does not meet the purpose or general intent of the Zoning By-law.

Is the proposal desirable for the appropriate development of the subject lands and minor in nature?

The variance, as amended, creates a significant amount of hardscaping and the reduced setback results in no distinction between properties or any ability to address drainage concerns. This is an undesirable development of the land, and one whose effects are not minor in nature.

Conclusion

Based upon the preceding information, it is the opinion of Staff that the variance, as amended, does not meet the criteria established by Section 45(1) of the *Planning Act*. To this end, the Planning and Building Department recommends that the application be refused. The Applicant may wish to defer the application to ensure that all required variances have been accurately identified.

Comments Prepared by: Brooke Herczeg RPP, Committee of Adjustment Planner

Appendices

Appendix 1 – Transportation and Works Comments

This department does not support the side yard setback to a driveway of 0.00m in this instance. This area should be reinstated with topsoil and sod and appropriate drainage swale along the common property line.





Comments Prepared by: Tony Iacobucci, Development Engineering Technologist

Appendix 2 – Zoning Comments

The Building Department is not in receipt of any permit applications at this time and the applicant is advised that a zoning review has not been completed. We are unable to confirm the accuracy of the requested variance(s) or determine whether additional variance(s) may be required.

The applicant is advised that a completed zoning review may identify additional instances of zoning non-compliance. The applicant may consider applying for a preliminary zoning review application and submit working drawings for a detailed zoning review to be completed. A minimum of 6-8 weeks will be required to process a preliminary zoning review application depending on the complexity of the proposal and the detail of the information submitted.

Comments Prepared by: Brandon Eidner, Planner in Training, Zoning Examination

Appendix 4 – Heritage

No Heritage Concerns

Comments Prepared by: John Dunlop, Manager

Appendix 5 – Region of Peel Comments

Regional Planning staff have reviewed the applications listed on the January 21st, 2021 Committee of Adjustment Agenda. We have no comments or objections to the following applications:

Deferred Applications: DEF-A-338/20.

Consent Applications: B-1/21, B-2/21.

Minor Variance Applications: A-355/20, A-407/20, A-9/21, A-14/21, A-15/21, A-16/21, A-17/21, A-18/21, A-19/21, A-36/21, A-37/21.

Comments Prepared by: Diana Guida, Junior Planner